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| 35940 | 7590 | 01/26/2009 | EXAMINER | |
| ATER WYNNE LLP | | | SIDDIQI, MOHAMMAD A | |
| 1331 NW Lovejoy St. Suite 900 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/772,202 | THORSON, JOEL | |
| | Examiner | Art Unit | |
| | MOHAMMAD A. SIDDIQI | 2454 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/24/2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Claims 1-23 are presented for the examination. Claims 22-23 are new.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d) (1) and MPEP § 608.01(o). Correction of the following is required: Claims 15-21 recites the limitation "machine-executable medium". There is insufficient antecedent basis for this limitation in the disclosure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ananian et al. (US 2003/0028451) (Hereinafter, Ananian) in view of Boyce et al. (6,934,838) (hereinafter Boyce).

5. As per claim 1, Ananian discloses A system comprising: a personal record comprising a personal profile (1102, fig 11, para #0351, line 7) about a subject (client/user 111, fig 11, para #0351, line 2) and a message filtering policy determined by the subject (para #0351, lines 6-10); an anonymity service (140, fig 1), the anonymity service being an intermediary between the subject and a message sponsor (vendor 112, user 111, 140 anonymity, fig 1), the message sponsor (vendor 112, fig 1) desiring to send a message (vendor catalogue, para #0193) to the subject based on the personal record (para #0184 and para #0193); a message deposit sent to the anonymity service by the message sponsor wherein the message deposit comprises the message (vendor 112, user 111, 140 anonymity, fig 1, para #0184 and para #0193), a message targeting specification (para #0450), and a message profile (para #0193); a database maintained by the anonymity service (review, share, store profile, para #0180; #0493).

Ananian further discloses in para #0196, #0493, The permission based security features and overall anonymity provided, make the system of the present invention safe, secure and beneficial to the User without the loss of privacy.", and in para #0196 suggests "Such security can be multi-layered and encrypted using any current or future encryption technology". Ananian does not specifically disclose the details such as the personal record being stored in the database in an encrypted state, the anonymity service having an access to the personal record only in the encrypted state; a resident application residing on a client device under control of the subject, the resident agent

managing access to the personal record in an unencrypted state; a quarantine memory, the quarantine memory being a secure area of system memory on the client device; and a session agent to perform a database operation on the personal record in the unencrypted state in the quarantine memory. However, Boyce discloses as the personal record being stored in the database in an encrypted state (24, fig 1, col 6, lines 39-65), the anonymity service having an access to the personal record only in the encrypted state (20, fig 1, col 6, lines 39-65); a resident application residing on a client device under control of the subject (12, 30, fig 1), the resident agent managing access to the personal record in an unencrypted state (30, fig 1); a quarantine memory (34, fig 1), the quarantine memory being a secure area of system memory on the client device (34, fig 1); and a session agent (once user has obtained security credentials, col 6, lines 39-41) to perform a database operation on the personal record in the unencrypted state in the quarantine memory (secure transaction, fig 1, col 6, lines 23-65). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Boyce into Ananian, such that storing personal data in encrypted state in the anonymity provider database, create/update personal data locally on the secure region of user device and transmit personal record securely to Anonymity provider database as it is suggested by Ananian in para #0196 and #0493 and also implemented by Boyce in fig 1, col 6, lines 23-65 to build a system where users and vendors can interact anonymously for their mutual beneficial relationship.

6. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Ananian discloses wherein the database operation comprises: a database query which compares the message profile to the message filtering policy (para #0422; para #0516); and a database query which compares the personal profile to the message targeting specification (para #0516).

7. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Ananian discloses further comprising: a query result sent to the anonymity service from the resident application (para #0297, para #0358, line 12); a message delivery sent from the anonymity service to the resident application (para #0297); and a delivery confirmation sent from the resident application to the anonymity service (para #0297).

8. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Ananian discloses wherein the database operation comprises a data record modification (update user profile, para #0526).

9. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Ananian discloses wherein the database operation comprises a schema migration (catalogue migration, para #0508).

10. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Ananian discloses a delivery notification sent from the anonymity service to the sponsor wherein the delivery notification comprises: an anonymous proof of delivery (Para #0450); an anonymous response from the subject (para #0450); and an anonymous payment record (para #0173; #0305; #0450; #512).

11. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Ananian discloses an interactive response from the subject (para #0499).

12. As per claims 8 and 15, Ananian discloses a method and machine-accessible medium comprising content that , when accessed by a machine, causes the machine to: maintaining a personal record belonging to a subject in a centralized database in an secured (can be accomplished by encrypted technology) environment(1102, fig 11, para #0351, line 7), the personal record comprising a personal profile and a message filtering policy (para #0351, lines 6-10); and distributing a database operation from the centralized database to a client device when the database operation is performed on the personal record in an unencrypted form (profile, para #0274, fig 11, is client sample screen shot performing updates on user record and it is not encrypted).

Ananian further discloses in para #0196, #0493, The permission based security features and overall anonymity provided, make the system of the present invention safe, secure and beneficial to the User without the loss of privacy.", and in para #0196 suggests "Such security can be multi-layered and encrypted using any current or future

encryption technology". Ananian does not specifically disclose the details such as the personal record being stored in the database in an encrypted form. However, Boyce discloses the personal record being stored in the database in an encrypted form (24, fig 1, col 6, lines 39-65). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Boyce into Ananian, such that storing personal data in encrypted state in the anonymity provider database, create/update personal data locally on the secure region of user device and transmit personal record securely to Anonymity provider database as it is suggested by Ananian in para #0196 and #0493 and also implemented by Boyce in fig 1, col 6, lines 23-65 to build a system where users and vendors can interact anonymously for their mutual beneficial relationship.

13. As per claims 9 and 16, claims are rejected for the same reasons as claims 8 and 15, above. In addition, Boyce discloses wherein distributing the database operation from the centralized database to the client device comprises: downloading a session agent by a resident application (once user has obtained security credentials, 30, fig 1, col 6, lines 39-41), the resident application being resident on the client device (28 and 30, fig 1), the session agent comprising a software update (once user has obtained security credentials, 30, fig 1, col 6, lines 39-41), the personal record (34, fig 1), and an encryption key (col 4, lines 8-16); and performing a database query by the session agent on the personal record in an unencrypted form (col 6, lines 21-65).

14. As per claims 10 and 17, claims are rejected for the same reasons as claims 8 and 15, above. In addition, Ananian discloses the client device comprises a device capable of sending and receiving a signal over a digital network (global network, 111, fig 1, para #0176), the client device being under a physical control of the subject (111 fig 1, para #0176).

15. As per claims 11, and 18, claims are rejected for the same reasons as claims 8 and 15, above. In addition, Ananian discloses establishing an intermediary between the subject and a message sponsor for the purpose of allowing the message sponsor to send a message to the subject based on the personal profile while maintaining an anonymity of the subject (111 user, 112 vendor, 140 anonymity, para #0184 and para #0193).

16. As per claims 12 and 19, claims are rejected for the same reasons as claims 8 and 15, above. In addition, Ananian discloses establishing the intermediary between the subject and the message sponsor comprises: receiving a message deposit from the message sponsor (111 user, 112 vendor, 140 anonymity, para #0184 and para #0193), the message deposit comprising a message, a message targeting specification (para #0450), and a message profile (para #00193); negotiating permission to deliver the message to the subject (permission based, para #0493); delivering the message to the subject (para #0438); receiving a delivery confirmation from the subject (#0305); and sending the delivery confirmation to the message sponsor while maintaining anonymity

of the subject (para #0297).

17. As per claims 13 and 20, claims are rejected for the same reasons as claims 8 and 15, above. In addition, Ananian discloses negotiating permission to deliver the message comprises: performing a targeting database query wherein the message targeting specification is compared to the personal profile (para #0450); and performing a filtering database query wherein the message filtering policy is compared to the message profile (para #0516).

18. As per claims 14 and 21, claims are rejected for the same reasons as claims 8 and 15, above. In addition, Ananian discloses accounting for a message charge to the message sponsor (para #0465; para #0479); accounting for a message credit to the subject (para #0465); communicating the message charge to an external payment system (trivnet, para #0479); and communicating the message credit to an external payment system (trivnet, para #0479).

19. As per claim 22, claim is rejected for the same reasons as claims 1, above. In addition, Boyce discloses the quarantine memory (34, fig 1) at least temporarily contains the personal record in an unencrypted state and a private key also in an unencrypted state (30, fig 1).

20. As per claim 23, claim is rejected for the same reasons as claims 1, above. In addition , Boyce discloses the quarantine memory contents including the personal record and the private key are deleted at an end of a client session (col 8, lines 48-55, making the data useless to the hacker anticipates keys are not valid any more).

Response to Arguments

21. Applicant's arguments filed 11/24/2008 have been fully considered but they are not persuasive, therefore rejections to claims 1-21 is maintained.

22. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In general, Applicant's arguments reflect a difference of opinion over the teachings of the prior arts and how these teachings would be evaluated in light of the knowledge generally available to those in the appropriate art and the level of ordinary skill in the art. Moreover, Applicant's take an overly narrow view of the claim language. The Examiner takes note the above Applicant's remark; however, Applicant's remark could not be imported into the claim.

23. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., the private half of the dual key) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

24. In the remarks applicants argued that:

Argument: Ananian does not disclose a personal record comprising a personal profile about a subject and a message filtering policy determined by the subject.

Response: Ananian discloses a personal record comprising a personal profile (1102, fig 11, para #0351, line 7) about a subject (client/user 111, fig 11, para #0351, line 2) and a message filtering policy determined by the subject (para #0351, lines 6-10, profile that assist user in filtering);

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454